

1 Richard J. Parker, OSB # 800945
2 Parker, Butte & Lane, PC
3 1200 NW Naito Parkway Ste # 200
Portland OR 97209
4 Ph: (503) 241-1320
Fax 503-323-9058

5 rjp@pbl.net

6 Attorney for Plaintiff / Debtor

7

8 IN THE UNITED STATES BANKRUPTCY COURT

9 FOR THE DISTRICT OF OREGON

10 In re:)
)
11 FAHRUELDIN EBED, dba DEAN EBED,) Case No.: 22-31638-thp7
)
12 Debtor.)
)
13 _____)
14 FAHRUELDIN EBED, dba DEAN EBED,)
) Adv. Proc. No.:
15 Plaintiff,)
)
16 vs.)
) COMPLAINT TO DETERMINE PARTIAL
17 THE UNITED STATES DEPARTMENT OF) OR TOTAL DISCHARGEABILITY OF
EDUCATION, and ROCK CREEK) PRIVATE AND FEDERAL STUDENT
18 CAPITAL, LLC,) LOAN OBLIGATIONS
)
19 Defendants.) (11 USC 523 (a) (8))
20)
21 _____

22 COMES NOW, the Plaintiff, Farhrueldin Ebed, aka Dean Ebed
23 and alleges as follows:

24 1

25 Debtor-Plaintiff filed a chapter 7 bankruptcy on September

1 30, 2022 and obtained his discharge on January 4th, 2023. This is
2 a core proceeding pursuant to 28 USC 1334 and 28 USC 157 and the
3 Bankruptcy Court has jurisdiction over this action pursuant to
4 11 USC 523. Pursuant to LBR 7008-1 Plaintiff hereby consents to
5 the entry of a Final Order or Final Judgment in the above
6 captioned Adversary Proceeding. Venue is proper and the primary
7 case was discharged as a no asset case on January 4th, 2023.

8 2

9 Plaintiff owes federal student loan debt in the approximate
10 amount of \$145,000 in Consolidated Direct Loans. He also owes
11 private student loan debt of approximately \$136,000 to Rock
12 Creek Capital, LLC, which purchased the multiple accounts from
13 Sallie Mae Bank. The accounts have been sued upon by Rock Creek
14 Capital, LLC.

15 3

16 Debtor has made good faith efforts to make required and
17 significant payments on his various student loan debts and his
18 recent income history is as follows:

19 2011 \$ 0
20 2012 \$ 0
21 2013 \$ 0
22 2014 \$ 0
23 2015 \$ 0
24 2016 \$ 0
25 2017 \$41,919
26 2018 \$59,545
27 2019 \$26,043
28 2020 \$ 8,521
29 2021 \$25,000
30 2022 \$32,038

1

4

2 Plaintiff does not own a house, has no car, has no major
3 assets, has no significant retirement accounts and has no income
4 other than his recently obtained employment.

5

5

6 Through no fault of his own he will never be able to pay
7 all the student loan debts in full as his present situation is
8 expected to continue for the foreseeable future. The private
9 student loans are in default, have been accelerated and are due
10 in full. Suits were filed and judgments obtained. If Plaintiff
11 were required to pay the defaulted private loans and any of the
12 standard Income Driven Repayments for his federal loans, he
13 would not be able to maintain a minimal standard of living.
14 Given his assets, income, income potential, medical issues and
15 age, no options are available other than a total or partial
16 hardship discharge of each of the student loans.

17

6

18 The above indicates that the Plaintiff is entitled to a
19 total or partial hardship discharge pursuant to 11 USC
20 523(a)(8).

21

7

22 Plaintiff reserves the right to amend this complaint before
23 or after service as facts develop and proper parties and dollar
24 amounts are determined.

25

1 WHEREFORE, Plaintiff prays that the court enter a partial

2 or total discharge of the student loan indebtedness to Navient.

3 Dated this 23rd day of October, 2023.

4

5 /s/ Richard J. Parker
6 RICHARD J. PARKER OSB # 800945
7 Attorney for Plaintiff

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25